

REMARKS

In connection with Applicants' Request for Continued Examination (RCE), Applicants respectfully request entry of the foregoing and reexamination and reconsideration of the subject matter identified in caption, pursuant to and consistent with 37 C.F.R. §1.114, and in light of the remarks which follow.

Claims 44-49 and 52 are pending in this application. Claims 1-43, 50 and 51 were previously cancelled.

Claim 44 and 45 have been amended to clarify the claim and to recite the ratio of true dimer units to the total composition is less than 15% on a mass/mass basis. Support for this amendment is found in the specification at least on page 20, line 2-8 and in Examples 5 and 6, which show that the amount of true dimer present is 11.3 and 7.6%, relative to the total weight of the composition. Claims 46-48 have been amended to recite the elements of the composition in proper form. Claim 49 has been amended to delete that the crosslinking catalyst is optionally a latent catalyst.

New claim 52 depends from claim 49 and recites the subject matter that was previously claimed as optional in claim 49.

No new matter has been added in making these amendments.

35 U.S.C. §112, second paragraph rejection

Claims 44-49 have been rejected under 35 U.S.C. §112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 44 and 45 have been amended to delete the phrase "in the isocyanate functions." Amended claims 44 and 45 recite "the ratio of true dimer units to the total composition is less than 15% on a mass/mass basis". The Office Action acknowledges in the Office Action that there is a basis for this. (page 2, item 2, lines 9-10) The amended claims contain subject matter which is described in the specification in such a way as to reasonably convey to one skilled in the art that the inventors had possession of the claimed invention.

Applicant therefore requests that this rejection be withdrawn.

35 U.S.C. §112, first paragraph rejection

Claims 44-49 have been rejected under 35 U.S.C. §112, first paragraph as failing to comply with the written description requirement.

Claims 44 and 45 have been amended to delete the phrase "in the isocyanate functions." Amended claims 44 and 45 recite "the ratio of true dimer units to the total composition is less than 15% on a mass/mass basis". The Office Action acknowledges in the Office Action that there is a basis for this. (page 2, item 2, lines 9-10) The amended claims contain subject matter which is described in the specification in such a way as to reasonably convey to one skilled in the art that the inventors had possession of the claimed invention.

Applicant therefore requests that this rejection be withdrawn.

35 U.S.C. §102 prior art rejection

Claims 44-49 have been rejected under 35 U.S.C. §102(b) as being anticipated by EP 325941.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." (MPEP 2131).

The instant claims are not anticipated by EP 325941 because EP 325941 does not disclose that the ratio of true dimer units to the total composition is less than 15% on a mass/mass basis, as required by the claims. In the response to the previous Office Action, Applicants had provided calculations demonstrating that for the examples in EP 325941, the ratio of true dimer units in the isocyanate functions to the total composition is greater than 15% on a mass/mass basis. Applicants noted that those ratios are outside the range required by the instant claims.

The Examiner has required that the calculations are the results of the calculations must be set forth in the form of a 37 CFR 1.132 declaration.

Enclosed with this response is a declaration under 37 CFR 1.132 provided by Dr. Bernard which explains the calculations performed and the results of the calculations.

Claims 44 and 45, the independent claims of the instant application, are not anticipated by EP0325941 because EP0325941 does not teach each element of these claims.

Applicants therefore request that this rejection be withdrawn.

From the foregoing, Applicants earnestly solicit further and favorable action in the form of a Notice of Allowance.

If there are any questions concerning this paper or the application in general, Applicants invite the Examiner to telephone the undersigned at the Examiner's earliest convenience.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

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